

R E S O L U T I O N

WHEREAS, Freddye and John Getsinger are the owners of a 15.70-acre parcel of land known as Parcel 15, located on Tax Map 45 in Grid E-4, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on October 8, 2003, Kenin Kramer & Associates, Inc., filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 17 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03099 for Meadowland Estates was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on February 26, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on February 26, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/62/03), and further APPROVED Preliminary Plan of Subdivision 4-03099, for Lots 1-17 and Parcels A-C with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To correct the lot size averaging table to accurately reflect the size of Lot 9.
 - b. To indicate that a closed section roadway is proposed, but may be revised to an open section roadway if the LSA standards are maintained and conformance to Subtitle 27.
 - c. To label the 150-foot required lot depth.
 - d. To indicate that the 65 dBA Ldn as shown on the plan is unmitigated.
 - e. To adjust the lot lines of Lot 8, 9 and 10 to the extent possible to provide additional area for the construction of the master plan trail on lands to be dedicated to M-NCPPC.
2. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.

3. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
4. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) $.77\pm$ acres of cluster open space land (Parcels B and C). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.

The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

5. At the time of final plat the applicant, his heirs, successors and or assignees shall dedicate to The Maryland-National Capital Park and Planning Commission (M-NCPPC) 4.1 acres (Parcel A). Lands to be dedicated shall be subject to the following:

- a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) shall be submitted to the Subdivision Section of the Development Review Division, M-NCPPC, along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior, written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to the issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance prior to final plat approval.
 - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
 - h. The applicant, his successors and/or assigns shall submit a letter to the Subdivision Section, DRD, prior to final plat indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.
6. The applicant, his heirs, successors and or assignees shall demonstrate that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to grading permit.

7. Development of this property shall be in accordance with an approved stormwater management concept plan.
8. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along the property's entire street frontage with MD 193 unless modified by the State Highway Administration at the time of issuance of street construction permits.
9. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along at least one side of internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
10. The final plat of subdivision shall demonstrate the dedication of 75 feet from the centerline of the right-of-way of MD 193, as delineated on the preliminary plan.
11. The final plat of subdivision shall indicate that direct vehicular access to MD 193 is denied for Lots 1 thru 5.
12. The applicant, his heirs, successors and or assignees shall provide necessary frontage improvements to MD 193 per SHA requirements for access and safety. These may include a northbound left turn, acceleration/deceleration lanes at the proposed site access with MD 193.
13. Prior to signature approval of Type I Tree Conservation Plan, the FSD shall be revised as follows:
 - a. Add a general note that no specimen trees are located on the site.
 - b. Update the soils table with the erodibility (K-factor) and hydric characteristics of each soil type.
 - c. Remove the woodland conservation worksheet or 'X' it out.
 - d. Update the revision box with the recent revisions to the plan, who made the revisions and the date of them.
 - e. Have the revised FSD plan signed and dated by the qualified professional who prepared it.
14. Prior to signature approval of the Type I Tree Conservation Plan, the plan shall be revised to address the following:
 - a. Revise the legend to distinguish the proposed woodland treatment areas from each other (reforestation and afforestation).
 - b. Label each woodland treatment area to the nearest 1/100th of an acre.

- c. Update the woodland conservation worksheet to indicate the acreage of each type of woodland conservation.
 - d. Revise the worksheet to eliminate the deduction for previously dedicated land.
 - e. Identify in the legend and on the plan each proposed woodland treatment area with hatch marks.
 - f. Provide the standard M-NCPPC TCPI signature approval block.
 - g. Update the revision box as to all revisions made to the plan, by whom and the date of them.
 - h. Have the revised plan signed and dated by the qualified professional who prepared the plan.
 - i. To shown the PMA with the appropriate symbol.
15. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/62/03). The following note shall be placed on the Final Plat of Subdivision:
- “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/62/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
16. Prior to signature approval of the preliminary plan, the Department of Environmental Resources approved floodplain study shall be submitted.
17. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Preservation Area, except for areas of approved disturbance, and shall be reviewed by the Environmental Planning Section prior to certificate approval. The following note shall be placed on the plat:
- “Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent form the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
18. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

19. Prior to signature approval of the preliminary plan, a copy of the Stormwater Management Concept Plan and approval letter shall be submitted. The TCPI shall be revised to reflect the proposed stormwater management facilities and outfalls. Impacts to the PMA shall be limited to only those absolutely necessary for the installation of the stormwater pond outfall.
20. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to locate the 65 dBA Ldn noise contour line 155 feet from the centerline of MD 193.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the west side of Enterprise Road (MD 193) approximately 1,100 feet south of Annapolis Road (MD 450).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Single-family, agricultural	Single-family
Acreage	15.75	15.75
Lots	0	17
Parcels	1	3
Dwelling Units:		
Detached	1	17

4. **Environmental**—The site is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. An initial Forest Stand Delineation (FSD) was prepared and the scope was limited to two formal sample plots on the developable upland portion of the site. The TCPI calculates the required woodland conservation to be 2.02 acres. The worksheet contains a deduction for “previously dedicated land” that will be dedicated with this subdivision. The actual requirement for woodland conservation on this site is 2.11 acres. The requirement will be met through a combination of on-site preservation, reforestation and afforestation; however, the plan should be revised to clearly locate these areas. In addition, some woodland preservation areas are proposed that cannot be counted toward on-site credits such as utility easements. The Environmental Planning Section recommends approval of TCPI/62/03 subject to conditions.

There are approximately 1.61 acres of 100-year floodplain in the western portion of the site. Preliminary Floodplain and Drainage Area Analysis was submitted. The results of a floodplain study were requested; however, written confirmation from the county’s Department of Environmental Resources has not been submitted. An intermittent stream flows along the

northwest property line into the western portion of the site behind proposed Lot 12 and along the subject site's southwest property line. This stream is identified as Waters of the U.S. Nontidal wetlands are found in the northwest portion of the site in the vicinity of the intermittent stream, north of proposed Lot 12.

The site is within the Lottsford Branch watershed of the Patuxent River basin and contains streams and wetlands that are to be protected as part of the Primary Management Areas (PMA) as set forth in Section 24-130 of the Subdivision Regulations. The Subdivision Regulation provides for the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. When a property is located within the Patuxent River watershed these features comprise the PMA and are required to be protected to the fullest extent possible. The revised plans show the PMAs on the preliminary plan and should also be shown on the TCPI.

Section 24-130 of the Subdivision Ordinance requires the preservation of the Patuxent River PMA to the fullest extent possible. The TCPI shows a proposed 8-inch sanitary sewer line in a 40 foot-wide easement on proposed Lots 12 and 13 adjacent to the Holmhurst West neighborhood. This utility line will cross an area of existing wetlands. A Letter of Justification has been submitted detailing this proposed environmental impact.

Proposed impacts to the PMA will require disturbance of 2,500 square feet for the installation and connection of the sewer line to serve the future residents of the subject property. This is a gravity flow sewer line that is necessary as part of the site's overall public infrastructure. PMA impacts of this type are supported because it is necessary for the planned public infrastructure improvements for the site. The PMA should be placed in a conservation easement to ensure its permanent protection.

Three soils types are identified including Bib Silt Loam, Collington Fine Sandy Loam, and Ochlockonee Sandy Loam. Marlboro clays are not present at the site. There are areas of severe and steep slopes in the center of the site.

There are no scenic and historic roads within vicinity of the site.

A Conceptual Stormwater Management Plan has been submitted to the Department of Environmental Resources (DER) for review. The woodland conservation shown on the TCPI for preservation must not conflict with the proposed location of stormwater management controls. The revised TCPI should demonstrate this information. The Concept Plan must be reviewed to determine whether proposed woodland treatment areas being credited as preservation are in conflict with the location of planned stormwater management controls. Because PMA impacts are likely to occur with a stormwater management pond outfall, staff recommends conditions to address this issue.

Noise impacts are anticipated from MD 193, a planned major arterial road in the Glenn Dale, Seabrook, Lanham and vicinity master plan. The ultimate right-of-way is 150 feet. Based on the

Environmental Planning Section's noise model, the preliminary plan and TCPI were revised to locate the 65 dBA Ldn noise contour 155 feet from the centerline of MD 193. The 65 dBA Ldn line is shown on the revised TCPI and the preliminary plan; however, it appears the line was measured in relation to the edge of the future dedication line instead of from the centerline of MD 193. The 65 dBA noise contour should be adjusted in relation to the centerline of the road or a noise study should be submitted upon which the contour is based.

The water and sewer service categories are W-4 and S-4 pursuant to the adoption of CR-34-2003.

5. **Community Planning**—The subject property is located within the limits of the Glenn Dale-Seabrook-Lanham and Vicinity Master Plan, Planning Area 70, in the Annapolis Road Community. The land use recommendation for the property is for Low Suburban residential at a density of up to 2.6 dwelling units per acre. The preliminary plan proposes a density consistent with the master plan recommendation. The 2002 General Plan locates the property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to-moderate density suburban residential communities. The preliminary plan is consistent with the recommendations of the master plan and the General Plan.

6. **Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a) of the Subdivision Regulations, the applicant is subject to 0.8± acre of mandatory dedication for parkland. The applicant proposes dedication of 4± acres that consist mostly of unusable wetlands and 100-year floodplain. The applicant has provided a 30-foot-wide connection from an internal public street, south to the Holmhurst Neighborhood Park (M-NCPPC) abutting to the south. The park is currently developed with a preschool play area, half basketball court, benches, and a trail connection to the subdivision to the south

A master plan trail traverses the subject site from east to west along the southern property line, from Enterprise Road to connect to the main Lottsford Branch Stream Valley master-planned trail to the west. The portion of the proposed park parcel that should accommodate the master plan trail may not provide adequate area for the future trail construction outside the stream buffer. DPR recommends adjusting the proposed parkland parcel to include the 50-foot-wide stream buffer to provide useable land for future master plan trail construction. At the time of signature approval the applicant will explore the possibility of increasing the width of the proposed park parcel to the extent possible in the vicinity of Lots 8, 9 and 10, without a loss of lots.

7. **Trails**—The adopted and approved Largo-Lottsford master plan recommends a master plan trail/bicycle facility along Enterprise Road (MD193). Bicycle and pedestrian facilities will have to be addressed comprehensively for the entire MD 193 corridor by SHA through a road improvement project. These improvements may ultimately include a trail parallel to the road and/or in-road bicycle facilities such as designated bike lanes, wide curb lanes, or wide asphalt shoulders. However, a standard sidewalk is recommended along the subject property's frontage of MD 193 to accommodate pedestrians along the subject site until the time that more comprehensive improvements are made.
8. **Transportation**—The proposed development would generate 13 AM and 15 PM peak-hour

vehicle trips as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (revised September 2002). The site is within the Developing Tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 193 (Enterprise Road) and MD 450 (Annapolis Road). The critical intersection is programmed for improvement with 100 percent construction funding in the current Maryland Department of Transportation Consolidated Transportation Program. The intersection improvements at MD 450 and MD 193 are part of the widening of MD 450 from MD 193 to Stonybrook Drive in the current CTP and are nearly complete.

A recent traffic count was reviewed for the intersection of MD 193 and MD 450 to determine adequacy of transportation facilities. The intersection currently operates at LOS B during both the AM and PM peak hours. With background development and traffic growth added, the intersection operates at LOS D during the AM and PM peak hours. Under total traffic conditions, with site traffic added and with the physical improvements currently under construction by SHA, the intersection will operate at LOS B and LOS C during the AM and PM peak hours, meeting the policy standard for intersections within the Developing Tier, which is LOS D.

Access to the site is planned from Enterprise Road (MD 193) via Meadowland Drive, a new cul-de-sac street with a 50-foot right-of-way. This would create a new three-way intersection at MD 193 and Meadowland Drive. A second access point is proposed from Lisborough Terrace to the north. Lisborough Terrace would be extended into the property with a 50-foot right-of-way. The proposed street configuration is appropriate to meet the needs of the community.

The Glenn Dale, Seabrook, Lanham Master Plan (November 1993) calls for a 150-foot right-of-way on Enterprise Road, which is an arterial roadway. Dedication of a 75-foot right-of-way from the centerline of Enterprise Road is necessary and should be required at the time of final plat. Enterprise Road is recommended as a four-lane arterial parkway with stringent access management control and auxiliary lanes at principal intersections. The design of the road is planned to be sensitive to adjacent residential development and be built as a parkway-type roadway, according to the master plan. The widening of this section is planned as a later initiative. The section of MD 193 north of MD 450 has already been improved.

The applicant will be responsible for any improvements along the property's frontage with MD 193, if required by the State Highway Administration at the time of street construction permits, to ensure safe access/egress from the site. The comments from SHA are summarized beloww

- A left turn lane may be required for any access point wherever deemed necessary by SHA.
- MD 193 is a two-lane road with sufficient traffic volume to warrant a left turn lane.
- The proposed street (Meadowland Drive) should be aligned to connect at a location allowing for acceleration and deceleration lanes.
- A "Denial of Access" note should be placed on the final plat for lots abutting MD 193.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	17 sfd	17 sfd	17 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.08	1.02	2.04
Actual Enrollment	5,623	5,131	10,098
Completion Enrollment	327.84	217.62	398.97
Cumulative Enrollment	143.76	70.38	140.76
Total Enrollment	6,098.68	5,420.02	10,639.97
State Rated Capacity	5,892	4,688	8,770
Percent Capacity	103.51%	115.61%	121.32%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003 is approved.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:

- a. The existing fire engine service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 2.52 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 2.52 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 2.52 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01 of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Meadowland Estates development.
12. **Health Department**—The property is improved with an existing dwelling, garage and in-ground swimming pool. The applicant must obtain a raze permit from the Department of Environmental

Resources prior to removing any structures on site. The abandoned septic system must be properly abandoned and pumped out by a licensed scavenger and either removed or backfilled in place.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan. Planning staff has had several discussions with the Department of Environmental Resources who have indicated that an approval is forthcoming with no substantive revisions to the layout proposed.
14. **Lot Size Averaging**—The applicant has proposed to utilize the Lot Size Averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for the portion of this property in the R-E Zone.

Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-R Zone:

- a. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (20,000 square feet).
- b. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet).

For the 12.06 gross acres located in the R-R Zone, 26 lots could be allowed with strict application of allowable density, not taking into account other development issues. The applicant proposes 17 lots. Twelve of the proposed lots meet or exceed 20,000 square feet. Therefore, the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

Comment: The proposed plan protects existing natural resources by not including the entire environmental feature on the lots. If the protected area were to be located on the lots and not placed within land to be conveyed to M-NCPPC, the lots would meet or exceed the minimum 20,000 square-foot lot area requirements. By allowing the reduction the proposal provides for a greater protection of the environmental area.

- B. The subdivision design provides for an adequate transition between the proposed lot**

sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.

Comment: The applicant has proposed a lotting pattern consistent with the abutting lots within the Holmehurst West Subdivision to the north. The applicant originally submitted a plan that provided lots of less than 20,000 square feet along the north property line. However, at the request of staff to ensure conformance to this specific standard and to provide an appropriate transition to the north, the lots have been revised to a minimum of 20,000 square feet along the north property line.

Lots 14 and 15 are internal to the subdivision and are 15,150 square feet and 15,610 square feet, respectively. These lots do not abut the environmental features on site nor do they abut lots on adjacent properties. However, these lot sizes at the location proposed provide a more uniform house siting and ultimately a better environment for the residents. Because of the layout of the subdivision these lots actually provide a better transition internally, around the intersection of the two proposed streets. Generally, "adequate transition" refers to the transition between the environmental features on site and on abutting properties and lots on abutting properties. However, after careful consideration and evaluation of the lotting pattern, staff believes that the proposed lot sizes at the locations proposed on the preliminary plan provide for a better environment for the residents of the subdivision.

C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

Comment: The applicant has proposed to convey the environmental features areas to M-NCPPC for inclusion into the existing parkland abutting to the west providing an appropriate transition on site with off-site environmental features.

Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, February 26 2004, in Upper Marlboro, Maryland.

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Adopted by the Prince George's County Planning Board this 18th day of March 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WSC:meg